

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 02 2006
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SUE BEITIA, CLERK

Attorneys for Defendant
SISAR PADERES, M.D. (improperly
identified as Doctor S. Paderes)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WILLIAM S. AHOLELEI,	)	CIVIL NO. 03 00171 HG-KSC
)	
Plaintiff,	)	DEFENDANT SISAR PADERES,
	)	M.D.'S CONCISE STATEMENT
vs.	)	OF MATERIAL FACTS;
	)	CERTIFICATE OF SERVICE
BARBARA KYSAR; DOCTOR S.)	
PADERES, DOCTOR BAUMAN;	)	Hearing
DOES I-V,	)	Date: September 11, 2006
	)	Time: 10:30 a.m.
Defendants.	)	Judge: Hon. Helen Gilmore
)	
	)	Trial Date: December 5, 2006

DEFENDANT SISAR PADERES, M.D.'s
CONCISE STATEMENT OF MATERIAL FACTS

Defendant SISAR PADERES, M.D., by and through his attorneys, Mark J. Bennett, Attorney General of Hawai'i, and Caron M. Inagaki and Miriam P. Loui, Deputy Attorneys General, pursuant to Local Rule 56.1, hereby submits this Concise Statement of Material Facts in support of his Motion for Summary Judgment.

FACTS	EVIDENTIARY SUPPORT
1. Dr. Paderes is employed by the State of Hawai'i, Department of Public Safety as a medical doctor, and has been so employed since 1996.	Exhibit "A", Affidavit of Sisar Paderes, M.D ("Paderes Aff.") ¶ 1.
2. During 2002-03, Dr. Paderes was the primary inmate physician at the Halawa Correctional Facility Medium ("HCF") where Plaintiff was housed.	Paderes Aff. ¶ 5.
3. On October 3, 2002, Plaintiff reported to the medical unit on a "sick call" and complained of being sore on his left side.	Paderes Aff. ¶ 7.
4. On October 3, 2002, Plaintiff was examined and scheduled to return to the medical clinic for further evaluation.	Paderes Aff. ¶ 7.
5. On October 4, 2002, Plaintiff returned to the medical unit with complaints of abdominal, flank pain.	Paderes Aff. ¶ 8.
6. On October 4, 2002, Plaintiff was scheduled to have a kidney/abdominal ultrasound to look for kidney stones, with the possibility of seeing an urologist, if needed.	Paderes Aff. ¶ 8.
7. On October 10, 2002, Dr. Paderes signed a consultation record acknowledging the request for Plaintiff's IVP.	Paderes Aff. ¶ 10.
8. On October 18, 2002, Dr. Paderes	Paderes Aff. ¶ 14.

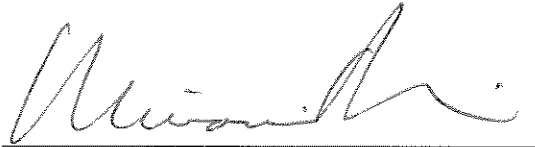
prepared a consultation record noting the results of Plaintiff's October 17, 2002 CT scan, and requesting that Plaintiff be further evaluated by Dr. Kuchenbecker, an urologist.	
9. On November 7, 2002, Plaintiff underwent a cystoureteroscopy, laser lithotripsy, retrograde pyelogram, and placement of double J stent to the left ureter (1 st surgery by Dr. Kuchenbecker).	Paderes Aff. ¶ 18.
10. On November 14, 2002, Dr. Paderes reviewed the consultation notes of Plaintiff's November 13, 2002 examination by Dr. Kuchenbecker, and agreed with Dr. Kuchenbecker's recommendation for further treatment of Plaintiff's kidney condition.	Paderes Aff. ¶ 20.
11. On December 19, 2002, Dr. Paderes examined Plaintiff for complaint of right flank pain, and prescribed Motrin 600 mg, with instructions.	Paderes Aff. ¶ 22.
12. On February 6, 2003, Plaintiff underwent a cystoureteroscopy with laser lithotripsy, retrograde pyelograms with fluoroscopic imaging and placement of double J stent (2nd surgery by Dr. Kuchenbecker).	Paderes Aff. ¶ 27.
13. On February 6, 2003, Dr. Paderes reviewed Plaintiff's chart and scheduled him for chronic care clinic for routine follow-up of his kidney condition.	Paderes Aff. ¶ 28.
14. On March 20, 2003, Dr. Paderes examined Plaintiff for complaints of right flank pain and dysuria, and prescribed Vicodin for pain management.	Paderes Aff. ¶ 31.
15. On March 20, 2003, Dr. Paderes	Paderes Aff. ¶ 31.

also referred Plaintiff for further evaluation by Dr. Kuchenbecker due to his continued complaints of kidney pain.	
16. On April 30, 2003, Dr. Paderes spoke with Dr. Hamasaki, a radiologist, regarding the CT scan performed that day, and referred him to Dr. Kuchenbecker for further discussion.	Paderes Aff. ¶ 32.
17. On April 30, 2003, Dr. Paderes spoke with Dr. Hamasaki, a radiologist, regarding the CT scan performed that day, and referred him to Dr. Kuchenbecker for further discussion.	Paderes Aff. ¶ 32.
18. On June 13, 2003, Dr. Paderes examined Plaintiff for complaint of right kidney pain and prescribed Vicodin for pain management.	Paderes Aff. ¶ 36.
19. On June 13, 2003, Dr. Paderes also referred Plaintiff for a follow-up examination with Dr. Kuchenbecker in July 2003.	Paderes Aff. ¶ 36.
20. On July 30, 2003, Plaintiff underwent EWSL (extracorporeal shock wave lithotripsy) of the left kidney (3 rd and last surgery by Dr. Kuchenbecker).	Paderes Aff. ¶ 38.

DATED: Honolulu, Hawai'i, August 2, 2006.

STATE OF HAWAII

MARK J. BENNETT
Attorney General
State of Hawai'i

A handwritten signature in black ink, appearing to read 'Miriam P. Loui', is written over a horizontal line.

MIRIAM P. LOUI
Deputy Attorney General

Attorneys for Defendant
SISAR PADERES, M.D.

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Plaintiff,)	CERTIFICATE OF SERVICE
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vs.)	
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BARBARA KYSAR; DOCTOR S.)	
PADERES, DOCTOR BAUMAN;)	
DOES I-V,)	
)	
Defendants.)	
_____)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on the following party at his last-known address by means of depositing said copy in the United States mail, postage prepaid, on August 2, 2006:

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Oahu Community Correctional Center
2199 Kamehameha Highway
Honolulu, Hawai'i 96819-2307

Plaintiff *Pro Se*

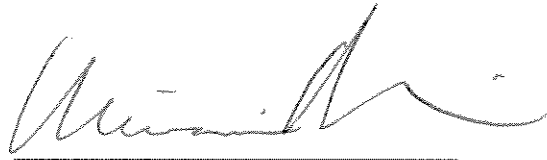
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Attorneys for Defendant
KAY BAUMAN, M.D.

DATED: Honolulu, Hawai'i, August 2, 2006.

STATE OF HAWAII

MARK J. BENNETT
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SISAR PADERES, M.D.